

**SUPREME COURT CALENDAR  
SACRAMENTO SESSION  
FEBRUARY 5 and 6, 2002**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Library and Courts Building, Sacramento, California, on February 5 and 6, 2002.

**TUESDAY, FEBRUARY 5, 2002—2:00 P.M.**

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|-----|---------|--|
| (1) | S091547 | Great Western Shows v. County of Los Angeles |
| (2) | S091549 | Nordyke v. King                              |
| (3) | S096349 | People v. Willis (Edward)                    |

**WEDNESDAY, FEBRUARY 6, 2002—9:00 A.M.**

- |     |         |   |
|-----|---------|---|
| (4) | S102527 | People v. Superior Court, County of Marin; Ghilotti |
| (5) | S087859 | Kasky v. Nike Inc.                                  |
| (6) | S076868 | Haas v. County of San Bernardino                    |

**1:30 P.M.**

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|-----|---------|--|
| (7) | S085594 | Flanagan v. Flanagan                                     |
| (8) | S092653 | People v. Loyd   |
| (9) | S097450 | Hambarian v. Superior Court, County of Orange;<br>People |

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GEORGE  
Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with Rule 10(d), California Rules of Court.

**SUPREME COURT CALENDAR  
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The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

**TUESDAY, FEBRUARY 5, 2002—2:00 P.M.**

***(1) Great Western Shows v. County of Los Angeles, S091547***

#00-142 Great Western Shows v. County of Los Angeles, S091547. (9th Cir. No. 99-56605; 229 F.3d 1258.) Request by the United States Court of Appeals for the Ninth Circuit for the answer to certified questions of state law pursuant to rule 29.5 of the California Rules of Court. The certified questions, as restated by the court, are (1) “Does state law regulating the sale of firearms and gun shows preempt a municipal ordinance prohibiting gun and ammunition sales on county property?” and (2) “May a county, consistent with article 11, section 7 of the California Constitution, regulate the sale of firearms and ammunition on its property located in an incorporated city within the borders of the county?”

***(2) Nordyke v. King, S091549***

#00-143 Nordyke v. King, S091549. (9th Cir. No. 99-17551; 229 F.3d 1266.) Request by the United States Court of Appeals for the Ninth Circuit for the answer to a certified question of state law pursuant to rule 29.5 of the California Rules of Court. The certified question is “Does state law regulating the possession of firearms and gun shows preempt a municipal ordinance prohibiting gun possession on county property?”

**(3) *People v. Willis (Edward)*, S096349**

#01-65 *People v. Willis (Edwards)*, S096349. (B135755; 87 Cal.App.4th 162.)

Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case concerns whether quashing the jury venire and starting jury selection over again is the sole remedy when a trial court finds that defense counsel has improperly exercised peremptory challenges on the basis of group bias in violation of *People v. Wheeler* (1978) 22 Cal.3d 258, or whether a trial court has discretion to fashion some other remedy.

**WEDNESDAY, FEBRUARY 6, 2002—9:00 A.M.**

**(4) *People v. Superior Court, County of Marin; Ghilotti*, S102527**

#01-161 *People v. Superior Court, County of Marin; Ghilotti*, S102527.

(A096959; no opinion.) Petition for review after the Court of Appeal denied a petition for peremptory writ of prohibition or mandate. The court issued an order to show cause and limited the issues to be briefed and argued to the following:

1. Does Welfare and Institutions Code section 6601, subdivision (h) authorize the State Department of Mental Health to request the filing of a petition for recommitment under the Sexually Violent Predators Act without the concurrence of two mental health evaluators that the person “has a diagnosed mental disorder so that he or she is likely to engage in acts of sexual violence without appropriate treatment and custody” (§ 6601(d))?
2. If the answer to question 1 is “no,” when the filing of such a petition is challenged on the ground that it lacks the concurrence of two mental health evaluators that the person meets the criteria set forth in section 6601(d), should the trial court independently examine the evaluators’ reports to determine whether the reports reflect application of the correct legal interpretation of the statutory criteria, and if they do not, should the trial

court determine whether the evaluators' assessments, viewed in the light of the correct standard, would support the filing of a petition?

3. What is the correct legal interpretation of the phrase “*likely* to engage in acts of sexual violence *without appropriate treatment and custody*” (italics added) as used in section 6601(d)?

**(5) *Kasky v. Nike Inc., S087859***

#00-73 Kasky v. Nike Inc., S087859. (A086142; 79 Cal.App.4th 165.) Petition for review after the Court of Appeal affirmed the judgment dismissing a civil action. This case concerns whether a corporation's allegedly false statements, made in press releases, letters to the editor, and letters to major customers, should properly be considered commercial or noncommercial speech for purposes of constitutional free speech analysis, when the statements describe labor practices and working conditions in factories that make the company's products, are made in response to public criticism, and are made to maintain and increase sales and profits.

**(6) *Haas v. County of San Bernardino, S076868***

#99-60 Haas v. County of San Bernardino, S076868. (E022209; 69 Cal.App.4th 1019.) Petition for review after the Court of Appeal affirmed the judgment in an action for administrative mandate. This case concerns whether a business owner's right to due process is violated when the county that is seeking to revoke its business license unilaterally selects and compensates the hearing officer who conducts the administrative hearing on the license revocation.

**1:30 P.M.**

**(7) *Flanagan v. Flanagan, S085594***

#00-30 Flanagan v. Flanagan, S085594. (B122810; 77 Cal.App.4th 122.) Petition for review after the Court of Appeal modified and affirmed the judgment in a civil action. This case concerns whether the statutory prohibition on recording a “confidential communication” without the consent of all parties encompasses

any communication that the participants do not intend to be overheard as it occurs, or instead is limited to those communications whose content the parties intend to remain secret. (See Pen. Code, § 632.)

**(8) *People v. Loyd, S092653***

#01-07 *People v. Loyd, S092653*. (A080542; 83 Cal.App.4th 1166.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the issue of whether the trial court erred by not dismissing the information or recusing the prosecutor when the prosecutor ordered defendant's nonprivileged county jail conversations to be recorded in violation of *De Lancie v. Superior Court* (1982) 31 Cal.3d 865.

**(9) *Hambarian v. Superior Court, County of Orange; People, S097450***

#01-63 *Hambarian v. Superior Court, County of Orange; People, S097450*. (G026447; 88 Cal.App.4th 163.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. The court limited review to the issue of whether the district attorney's use, as an expert investigator, of a certified public accountant compensated by the victim of the alleged misconduct (the City of Orange), required recusal of the district attorney under conflict-of-interest principles. (Pen. Code, § 1424; *People v. Eubanks* (1996) 14 Cal.4th 580.)